

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

BALVINO MACIAS TERAN,
ALEJANDRO MACIAS, and OSCAR
EDUARDO GUTIERREZ MACIAS,

Defendants.

Case No. CR16-335RSL

**ORDER GRANTING STIPULATED
MOTION TO CONTINUE TRIAL
DATE AND PRETRIAL MOTIONS
DEADLINE**

THE COURT, having considered the stipulated motion to continue the trial dates and pretrial motions deadline (Dkt. # 40), and the records and files herein, including the defendants' waivers of their speedy trial rights (Dkt. ## 41, 43, 46¹), incorporates by reference the facts set forth in the motion and finds as follows:

1. Failure to grant a continuance in this case would deny counsel the reasonable time necessary for effective preparation of trial and other pretrial proceedings, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).
 2. Failure to grant a continuance would likely result in a miscarriage of justice. 18 U.S.C.

¹ Though counsel for defendant Alejandro Macias had not consulted with his client before joining in the motion for a continuance, Mr. Macias has since filed a speedy trial waiver indicating that he and his counsel have discussed the reasons for a continuance and that Mr. Macias consents to a continuance. Dkt. # 46.

1 § 3161(h)(7)(B)(i).

2 3. The ends of justice served by granting this continuance outweigh the best interests of
3 the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

4 4. The defendants in this matter, at this time, are joined for trial with one or more
5 codefendant as to whom the time for trial has not run and no motion for severance has
6 been granted, all within the meaning of 18 U.S.C. § 3161(h)(6).

7 5. The period of time from the filing date of the stipulated motion until the new trial date,
8 set forth below, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C.
9 § 3161(h)(7)(A).

10
11 IT IS THEREFORE ORDERED that the trial dates in this case are continued from March 6
12 and March 13, 2017, to October 2, 2017. The deadline for pretrial motions in this case is set for
13 July 28, 2017.

14 IT IS FURTHER ORDERED THAT the time period between the original trial dates and
15 October 2, 2017, shall be excludable time pursuant to 18 U.S.C. § 3161(h)(7)(A) for the
16 purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. § 3161-
17 74.

18
19 DATED this 14th day of February, 2017.

20
21 
22 Robert S. Lasnik
23 United States District Judge